

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT E. JOHNSON,

Plaintiffs,

v.

HAROLD CLARKE *et. al.*,

Defendants.

Case No. C05-5401 FDB

ORDER ADOPTING REPORT AND
RECOMMENDATION GRANTING
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT AND
DISMISSING THE ACTION WITH
PREJUDICE

This civil rights action comes before the Court on the Report and Recommendation of the Magistrate Judge that Defendants' motion for summary judgment be granted, Plaintiff's request for summary judgment in his responsive pleading be denied, and Plaintiff's action be dismissed, with prejudice. As noted by the by the Magistrate Judge, substantial authority establishes the constitutionality of the Defendants' actions and Plaintiff has not provided evidentiary support for his allegations.


Defendant objects to the Report and Recommendation asserting that the Magistrate Judge misinterpreted Plaintiff's evidence and failed to apply the substantive law in considering the evidence. This Court is not persuaded by Plaintiff's assertions.

The Court, having reviewed, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, Objections to the Report and Recommendation, the motion for summary judgment and

responsive pleadings, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Defendant's Motion For Summary Judgment is **GRANTED**. Plaintiff's request for Summary Judgment in his responsive pleading and defendant's requests to strike or not consider briefing are **DENIED**. This action is **DISMISSED WITH PREJUDICE**.
- (3) Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants, and to the Hon. J. Kelley Arnold.

DATED this 1st day of June, 2007.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE